



February 13, 2009

HOUSE BILL No. 1620

DIGEST OF HB 1620 (Updated February 9, 2009 7:53 pm - DI 92)

Citations Affected: IC 4-13; IC 21-34; IC 22-13; noncode.

Synopsis: Energy efficient buildings. Requires a government building to be designed, constructed, operated, and maintained to achieve or exceed the level of energy efficiency required under certain rating systems. Provides that Indiana hardwood lumber may be considered for use as a local source material in any project in which the use of Indiana hardwood lumber is practicable. Specifies that the Environmental Protection Agency's Energy Star rating system is an optional standard permissible only for the renovation or reconstruction of a government building. Deletes the \$10,000,000 maximum on the amount of bonds that may be outstanding for a state educational institution's qualified energy savings projects. Provides that in order to establish the reasonable expectation of savings for purposes of the statutes governing bonds for energy cost savings contracts, a state educational institution must enter into a qualified energy savings contract in which the qualified provider guarantees in writing that the guaranteed savings achieved will at least equal the annual debt service requirements on the bonds. Requires the fire prevention and building safety commission to adopt the most recent edition of the International Energy Conservation Code before July 1, 2010. Requires the commission to adopt any subsequent editions of the code not later than two years after the effective date of the subsequent edition

Effective: Upon passage; July 1, 2009.

Pierce, Austin

January 16, 2009, read first time and referred to Committee on Ways and Means.
February 12, 2009, amended, reported — Do Pass.

HB 1620—LS 7427/DI 92+



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February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1620

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13-19 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]:

4 **Chapter 19. Government Building Design Standards for Energy**
5 **Efficiency**

6 **Sec. 1. This chapter applies to a design plan that is:**

- 7 (1) **for the renovation or construction of a government**
8 **building; and**
9 (2) **approved by the owner of the government building after**
10 **June 30, 2009.**

11 **Sec. 2. As used in this chapter, "government building" means a**
12 **building owned, occupied, and used by any of the following:**

- 13 (1) **A state agency (as defined in IC 4-13-1-1(b)).**
14 (2) **Any other authority, board, branch, commission,**
15 **committee, department, division, or instrumentality of the**
16 **executive branch of state government, including the following:**
17 (A) **A license branch operated or administered under**

HB 1620—LS 7427/DI 92+



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IC 9-16.

(B) The state police department created by IC 10-11-2-4.

(3) Any of the following:

(A) A state educational institution (as defined in IC 21-7-13-32).

(B) A body corporate and politic created by statute.

(C) The judicial department of state government.

(D) The legislative department of state government.

(4) A political subdivision (as defined by IC 36-1-2-13).

(5) A school corporation (as defined by IC 36-1-2-17).

Sec. 3. As used in this chapter, "LEED rating system" refers to the United States Green Building Council's Leadership in Energy and Environmental Design rating system.

Sec. 4. (a) A newly constructed government building must be designed, constructed, operated, and maintained to achieve or exceed the level of energy efficiency determined under any of the following:

(1) The silver rating under the LEED rating system.

(2) The Two Globes rating under the Green Building Initiative's Green Globes rating system.

(3) An equivalent rating under a rating system that is accredited by the American National Standards Institute.

(b) A renovated or reconstructed government building must be designed, renovated or reconstructed, operated, and maintained to achieve or exceed the level of energy efficiency determined under any of the following:

(1) The silver rating under the LEED rating system.

(2) The Two Globes rating under the Green Building Initiative's Green Globes rating system.

(3) The Environmental Protection Agency's Energy Star rating system.

(4) An equivalent rating under a rating system that is accredited by the American National Standards Institute.

Sec. 5. The owner of a government building shall consider the historic or aesthetic qualities of a building and the availability of local materials when determining the level of energy efficiency required of the design, construction, operation, and maintenance of the government building by section 4 of this chapter.

Sec. 6. (a) As used in this section, "Indiana hardwood lumber" means hardwood lumber harvested from real property located in Indiana.

(b) The owner of a government building may consider Indiana

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hardwood lumber for use as a local source material in any project in which the use of Indiana hardwood lumber is practicable.

SECTION 2. IC 21-34-10-7, AS ADDED BY P.L.2-2007, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. **(a)** Bonds may be issued by the board of trustees of a state educational institution without the approval of the general assembly to finance a qualified energy savings project if annual ~~operating~~ **guaranteed** savings to the state educational institution arising from the implementation of a qualified energy savings project are reasonably expected to be at least equal to annual debt service requirements on bonds issued for this purpose in each fiscal year. ~~However, the amount of bonds outstanding for the state educational institution at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described in sections 3 and 4 of this chapter, may not exceed ten million dollars (\$10,000,000).~~

(b) In order to establish the reasonable expectation of savings for purposes of subsection (a), a state educational institution must enter into a qualified energy savings contract with a qualified provider as provided in IC 21-33-4 in which the qualified provider guarantees in writing that, in each fiscal year in which bonds issued under subsection (a) by the state educational institution are outstanding, the guaranteed savings achieved will at least equal the annual debt service requirements on the bonds.

SECTION 3. IC 22-13-2-2, AS AMENDED BY P.L.101-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

(b) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

- (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).
- (2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).
- (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).
- (4) ASME QEI-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).
- (5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.
- (6) ANSI A90.1 Safety Code for Manlifts.



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(c) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

(d) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (b) and (c) within eighteen (18) months after the effective date of the subsequent edition.

(e) The commission may amend the national codes as a condition of the adoption under subsections (b), (c), and (d).

(f) To the extent that the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply to tents or canopies in which cooking does not occur, the commission shall suspend enforcement of the following sections of the International Fire Code, 2000 edition, until the division of fire and building safety recommends amendments to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations:

(1) Section 2406.1 (675 IAC 22-2.3-233).

(2) Section 2406.2.

(3) Section 2406.3.

(g) To the extent that section 2403.2 of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to a tent or canopy in which there is an open flame, the commission shall suspend enforcement of section 2403.2 until the division of fire and building safety recommends amendments to section 2403.2 to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations and amending section 2403.2.

(h) The division of fire and building safety shall recommend amendments to the commission to the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

(1) Section 2403.2.

(2) Section 2406.1 (675 IAC 22-2.3-233).

(3) Section 2406.2.

(4) Section 2406.3.

(i) After receiving and considering recommendations from the division of fire and building safety under subsection (h), and using the procedure set forth in IC 4-22-2-38, the commission shall amend the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

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- (1) Section 2403.2.
- (2) Section 2406.1 (675 IAC 22-2.3-233).
- (3) Section 2406.2.
- (4) Section 2406.3.

(j) Before July 1, 2010, the commission shall adopt the most recent edition, including addenda, of the:

(1) International Energy Conservation Code (IECC), as published by the International Code Council for Class 1 structures; or

(2) American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1 for Class 1 structures;

by rules under IC 4-22-2. The commission shall adopt any subsequent equivalent edition of the code or standard, including addenda, under IC 4-22-2, not later than two (2) years after the effective date of the subsequent edition. The commission may amend the code or standard as a condition of adoption under this subsection.

SECTION 4. [EFFECTIVE JULY 1, 2009] The general assembly recognizes that the 2006 study:

(1) conducted by the department of natural resources division of forestry; and

(2) entitled "The Sustainability of Indiana's Forest Resources";

indicates Indiana timberland acreage and volume has steadily increased since 1967.

SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1620, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 14, after "4." insert "(a)".

Page 2, line 14, after "A" insert "**newly constructed**".

Page 2, delete lines 20 through 21.

Page 2, line 22, delete "(4)" and insert "(3)".

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"(b) A renovated or reconstructed government building must be designed, renovated or reconstructed, operated, and maintained to achieve or exceed the level of energy efficiency determined under any of the following:

(1) The silver rating under the LEED rating system.

(2) The Two Globes rating under the Green Building Initiative's Green Globes rating system.

(3) The Environmental Protection Agency's Energy Star rating system.

(4) An equivalent rating under a rating system that is accredited by the American National Standards Institute."

Page 2, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 2. IC 21-34-10-7, AS ADDED BY P.L.2-2007, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) Bonds may be issued by the board of trustees of a state educational institution without the approval of the general assembly to finance a qualified energy savings project if annual ~~operating~~ **guaranteed** savings to the state educational institution arising from the implementation of a qualified energy savings project are reasonably expected to be at least equal to annual debt service requirements on bonds issued for this purpose in each fiscal year. ~~However, the amount of bonds outstanding for the state educational institution at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described in sections 3 and 4 of this chapter, may not exceed ten million dollars (\$10,000,000).~~

(b) In order to establish the reasonable expectation of savings for purposes of subsection (a), a state educational institution must enter into a qualified energy savings contract with a qualified provider as provided in IC 21-33-4 in which the qualified provider guarantees in writing that, in each fiscal year in which bonds

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issued under subsection (a) by the state educational institution are outstanding, the guaranteed savings achieved will at least equal the annual debt service requirements on the bonds.

SECTION 3. IC 22-13-2-2, AS AMENDED BY P.L.101-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

(b) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

- (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).
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- (5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.
- (6) ANSI A90.1 Safety Code for Manlifts.

(c) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

(d) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (b) and (c) within eighteen (18) months after the effective date of the subsequent edition.

(e) The commission may amend the national codes as a condition of the adoption under subsections (b), (c), and (d).

(f) To the extent that the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply to tents or canopies in which cooking does not occur, the commission shall suspend enforcement of the following sections of the International Fire Code, 2000 edition, until the division of fire and building safety recommends amendments to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations:

- (1) Section 2406.1 (675 IAC 22-2.3-233).
- (2) Section 2406.2.
- (3) Section 2406.3.

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(g) To the extent that section 2403.2 of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to a tent or canopy in which there is an open flame, the commission shall suspend enforcement of section 2403.2 until the division of fire and building safety recommends amendments to section 2403.2 to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations and amending section 2403.2.

(h) The division of fire and building safety shall recommend amendments to the commission to the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

- (1) Section 2403.2.
- (2) Section 2406.1 (675 IAC 22-2.3-233).
- (3) Section 2406.2.
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- (1) International Energy Conservation Code (IECC), as published by the International Code Council for Class 1 structures; or**
- (2) American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1 for Class 1 structures;**

by rules under IC 4-22-2. The commission shall adopt any subsequent equivalent edition of the code or standard, including addenda, under IC 4-22-2, not later than two (2) years after the effective date of the subsequent edition. The commission may amend the code or standard as a condition of adoption under this subsection."

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Page 3, delete lines 1 through 38.
Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.
(Reference is to HB 1620 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 15, nays 8.

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